

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 3272 of 2005

Between:

Inagala Hari Babu, S/o Subba Rao, Fair Price Shop Dealer,
R/o.Ethamukkala Post, Kothapatnam Mandal,
Prakasam Dist.

..... PETITIONER

AND

- 1 The Revenue Divisional Officer, Ongole, Prakasam District.
- 2 The Joint Collector, Ongole, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ or order or direction more in the nature of writ of Mandamus, declaring action of the 2nd respondent in not suspending the impugned cancellation orders passed by the 1st respondent dated 9-2-2005 pending disposal of the appeal as arbitrary, illegal and consequently declare that the petitioner is entitled to continue as fair price shop dealer during the pendency of the appeal before the 2nd respondent in the interest.

Counsel for the Petitioner : Mr.P.NAGENDRA REDDY

Counsel for Respondents 1&2 : G.P. FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The authorization of the petitioner in respect of a Fair Price Shop was cancelled by the first respondent, through his proceedings dated 9.2.2005. The petitioner preferred an appeal before the second respondent, with an application for stay. Pending the appeal, no orders have been passed on his application for stay, and in the meanwhile, he was disabled from functioning. He seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner has referred to several proceedings and writ petitions that have preceded the order of cancellation. It is not necessary to deal with the same at this stage. He has availed the remedy of appeal against the order of cancellation. The question as to whether the order of cancellation suffers from any illegality needs to be considered at the time of hearing. It is difficult to grant any interim orders in such matters. Instead, the appellate authority may be required to dispose of the appeal itself within the stipulated time.

Hence, the writ petition is disposed of, directing that the second respondent shall pass appropriate orders in the appeal, preferred by the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

L.NARASIMHA REDDY, J

Date: 23.2.2005

DA

To

- 1 The Revenue Divisional Officer, Ongole, Prakasam District.
- 2 The Joint Collector, Ongole, Prakasam District.
- 3 Two CCs to the G.P. for Civil Supplies, High Court Buildings, Hyderabad (OUT).
- 4 Two CD copies.